HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.11879 OF 1993

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Between:

M.Ramachary and another

……Petitioners

And

Indian Drugs and Pharmaceuticals Limited,
Balanagar, Hyderabad, represented by its
General Manager and two others

……Respondents

:: ORDER ::

Counsel for the Petitioners : None

Counsel for the Respondents : Smt.Uma Devi

Dated: 29-08-2006

In this petition, the petitioner has made the following substantive prayer:

> "(i) declaring the action of the respondents in bringing the petitioners to the Industrial DA Scales of pay for those who are promoted as Executive w.e.f. 1-1-1989 as illegal, arbitrary and without jurisdiction;
>
> (ii) declare that those that are promoted prior to the introduction of Industrial D.A.Scales from 1-10-1989 form a homogeneous group and they cannot be discriminated on the basis of the arbitrary Cut off date of 1-1-1989 and such action is illegal, arbitrary and offends Articles 14 and 16 of the Constitution of India.
>
> (iii) declare that the petitioners who are in the Central DA Scales cannot be brought into IDA Scales of Pay arbitrarily without calling for the options;
>
> (iv) compel the respondents to pay the petitioners in the Central D.A. Fourth Pay Commission pay scales with effect from the date of promotion to the posts of Executives with all arrears upto date;
>
> (v) direct the respondents to pay interest at the rate of 18 percent per annum calculated from the date on which the amounts have fallen due upto the date of actual payment."

On the previous date of hearing i.e., 22-08-2006, Smt.Uma Devi, learned counsel for respondent No.1 made a statement that the employer viz., Indian Drugs and Pharmaceuticals Limited has been wound up and, as per her information, the petitioner has taken the benefit of Voluntary Retirement Scheme framed by the employer.

Today, Smt. Uma Devi informed the Court that the petitioner had taken the benefit of Voluntary Retirement Scheme on 30-06-2003.

In view of the statement made by Smt.Uma Devi, the writ

petition is disposed of as infructuous.

However, it is made clear that if the petitioner still has any subsisting grievance, then he may file miscellaneous petition for revival of the writ petition.

G.S. SINGHVI, CJ

29-08-2006
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